

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

Lodi Memorial Hospital Association, Inc.  
d/b/a Adventist Health Lodi Memorial

**Case 32-RC-309991**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Lodi Memorial Hospital Association, Inc. d/b/a Adventist Health Lodi Memorial, a California Non-Profit Religious Corporation, with an office and place of business located in Lodi, California, provides health care services in an acute hospital. During the past calendar year, the Employer derived gross revenues in excess of \$250,000 and purchased and received goods or services in excess of \$5,000, which originated outside the State of California.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

SEE NEXT PAGE

Initials: \_\_\_\_\_

**DATE:** Wednesday                      **HOURS:** 12:00 Noon to 3:00 p.m. and  
March 8, 2023                                      6:00 p.m. to 9:00 p.m.

**PLACE:** The Employer's premises  
Meeting Rooms A&B  
975 South Fairmont Avenue  
Lodi, CA 95240

**DATE:** Thursday                      **Hours:** 6:00 a.m. to 9:00 a.m.  
March 9, 2023                                      12 Noon to 3:00 p.m.

**PLACE:** The Employer's premises  
Meeting Rooms A&B  
975 South Fairmont Avenue  
Lodi, CA 95240

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

(a) In order to conduct a safe manual election:

- i. The Employer will provide a spacious polling area sufficient to accommodate six-foot distancing with tables and seating spaced so that Board agent(s), observers, voting booth, and ballot box are all at least six feet apart.
- ii. The Employer will provide masks and hand sanitizer.
- iii. Each party will be allowed to send two representatives and designated observer to attend the pre-election conference and ballot count.
- iv. Each party will be allowed to have one observer present during each polling period. Observers cannot be switched, replaced, or substituted in the middle of a polling period.
- v. An inspection of the polling area will be conducted by video conference at 2:00 p.m. on March 7, 2023, so that the Board agent and parties can view the polling area.
- vi. All voters, observers, party representatives, and other participants should wear CDC-conforming masks covering both nose and mouth in all phases of the election, including the pre-election conference, in the polling area, or while observing the count. Signs will be posted in or immediately adjacent to the Notice of Election to notify voters, observers, party representatives and other participants of this requirement.

(b) The Employer will complete and submit GC 20-10 COVID-19 Certification Forms A and B to the Region within the time frame set forth on the forms. The Forms will be considered by the Regional Director in determining whether conducting the election manually will jeopardize public health. Failure to provide accurate or timely forms may result in the election being cancelled, rescheduled, or converted to a mail ballot election;

Initials: \_\_\_\_\_

The Petitioner will complete and submit GC 20-10 COVID-19 Certification Form B to the Board Agent conducting the election within the time frame set forth on the form. Individuals for which Form B was not submitted will not be permitted to be physically present at the pre-election conference, to serve as an observer during the election or at the ballot count.

(c) All parties must notify the Regional Director, within 14 days after the day of the election, if any individuals who were present in the facility on the day of the election:

- have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days;
- are awaiting results of a COVID-19 test;
- are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, shortness of breath; or
- have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

(d) The Regional Director may reassess the COVID-19 community level in the county in which polling is located, the polling arrangements, any COVID-19 outbreaks at the facility, and the certifications provided by the parties. The Regional Director has full and complete discretion to determine whether it is unsuitable to conduct a manual election on the stipulated date. If the Regional Director determines it is no longer appropriate to conduct a manual election on the scheduled date, the Regional Director may exercise her discretion to reschedule the date, time, place, or manner of the election, including converting the election to a mail ballot.

(e) If the Regional Director determines that an in-person election cannot be safely conducted on Wednesday, March 8, 2023, the manual election will be converted to a mail ballot election with ballots being mailed on Wednesday, March 15, 2023, at 5:00 p.m.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 32 office by close of business at 5:00 p.m. on Wednesday, April 5, 2023. The mail ballots will be counted at the Region 32 office located at 1301 Clay Street, Suite 300N, Oakland, CA 94612-5224 at 11:30 a.m. on Thursday, April 6, 2023, by videoconference.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Wednesday, March 22, 2023, as well as those employees who require a duplicate ballot, should communicate immediately with the Regional Office at 510.637.3300 or Nicholas L. Tsiliacos 510.671.3046 and request a ballot.

**SEE NEXT PAGE**

Initials: \_\_\_\_\_

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time, regular part-time and per diem Registered Nurses employed by the Employer at its acute-care facility located at 975 South Fairmont Avenue, Lodi, CA 95240; excluding all other employees, RNs employed by other entities, registries or agencies providing outside labor to the Employer, nurse administrators, managerial employees, confidential employees, office clerical employees, guards, and supervisors defined by the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending January 20, 2023**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date, they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

**Also eligible to vote are all employees in the unit who have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date for the election.**

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

Initials: \_\_\_\_\_

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by California Nurses Association?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative: Nicole Krahmer, Director Human Performance; Adventist Health Lodi Memorial Hospital 975 S Fairmont Ave., Lodi, CA 95240, 209-339-7687, Krahmend@ah.org

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**Lodi Memorial Hospital Association, Inc.  
d/b/a Adventist Health Lodi Memorial**

(Employer)

**California Nurses Association**

(Petitioner)

**By:** /s/ Kaitlin Kaseta Lammers 2/2/23  
(Signature) (Date)

**Print  
Name:** \_\_\_\_\_

**By:** /s/ Anthony J. Tucci 2/2/23  
(Signature) (Date)

**Print  
Name:** \_\_\_\_\_

Initials: \_\_\_\_\_

**Recommended:**    /s/ Nicholas L. Tsiliacos  
NICHOLAS L. TSILIACOS, Field Examiner  
(Date) 2/3/23

**Date approved:**    2/3/23

/s/ Valerie Hardy-Mahoney / hv  
\_\_\_\_\_  
**Regional Director, Region 32**  
**National Labor Relations Board**